

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 10, 13, 16, 19, 22, 25, 28, 33, and 38 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-39 are pending and under consideration.

ALLOWABLE SUBJECT MATTER:

In the Office Action, at page 5, the Examiner indicated that claims 5-7, 9, 10, 12, 13, 15, 16, 18-29, 31, and 33-37 would be allowable if rewritten in independent form. Applicants hold rewriting of these claims in abeyance until the Examiner has had the opportunity to review the arguments presented herein.

RESPONSE TO AMENDMENT FILED NOVEMBER 9, 2005:

In the Office Action, at page 2, the Examiner asserted that the Amendment filed on November 9, 2005 was not fully responsive because claim 39 was not actually amended. Applicants respectfully disagree.

In the Amendment filed on November 9, 2005, a semi-colon (;) was added to the end of line 6 of claim 39, and is shown in underline to denote added text.

CLAIM OBJECTIONS:

In the Office Action, at page 2, the Examiner objected to claim 33 for the reasons stated therein. Applicants respectfully submit that the amendment of claim 33 overcomes the Examiner's objection.

REJECTION UNDER 35 U.S.C. §§102 and 103:

In the Office Action, at page 3, the Examiner rejected claims 1-4, 30, 32, and 38 under 35 U.S.C. §102 (e) as being anticipated by Duff. (U.S. Publication No. 2004/0011932 - hereinafter Duff). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

In the Office Action, at page 4, the Examiner rejected claims 8, 11, 14, 17, and 39 under 35 U.S.C. §103(a) as being unpatentable over Duff in view of Santoro et al. (U.S. Publication No. 2002/0145088 – hereinafter Santoro). The reasons for the rejection are set forth in the Office

Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Duff was published January 22, 2004, and was filed in the U.S. on June 2, 2003.

The subject application was filed on September 29, 2003, and claims the priority benefit of US Provisional No. 60/413,776 filed September 27, 2002. Thus, Duff is not valid prior art under any subsection of 35 U.S.C. §102. Accordingly, Duff cannot be used either under §102 or §103 to reject claims in the subject application.

Applicants respectfully submit that independent claims 1, 38, and 39 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicants respectfully submit that claims 2-37, which ultimately depend from independent claim 1, should be allowable for at least the same reasons as claim 1, as well as for the additional features recited therein.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.


If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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